

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action that was mailed October 1, 2010. The decision of the reviewers to reopen prosecution is noted with appreciation. However, all of the rejections are respectfully traversed.

Correction of the Record

Page 2 of the Office Action implies that an Appeal Brief or Reply Brief has been filed in this application. This implication is incorrect. While prosecution has been reopened, the prosecution has been reopened in response to the filing of a **Pre**-Appeal Brief Request for Review (filed May 17, 2010). The related Notice of Panel Decision was mailed July 13, 2010.

The Office Action

In the Office Action that was mailed October 1, 2010:

claims 26-30 and 32-43 (44?) were rejected under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 6,167,448 to Hemphill et al. ("Hemphill"); and

claims 31 and 41 were rejected under 35 USC §103(a) as allegedly being obvious in view of Hemphill and U.S. Patent Application Publication No. 2003/00114650 A1 by Freed et al. ("Freed").

The Present Application

By way of brief review, the present application is directed toward a system for remotely supporting a family of products even when the products are deployed in the field. For example, as recited in independent **claim 36**, embodiments include a system for remotely supporting a family of document processing products even when the document processing products are deployed in the field. The system provides for an **interchangeable device model**. For example, **each device model** (122, 123) provides the system with information regarding classes of information that can be communicated to and from a respective product of the family of products. Additionally, a respective device model includes at least identifications of classes of information that can be

communicated to and/or from each of the products of the family of products. A device model **agent** is operative to use information in the device model to provide communication services between a respective unit associated with the device model and other system elements, such as a services host server. The device model **agent** (or code thereof) can be reused in a wide variety of products or in association therewith. The device model can be customized on a device-by-device basis. Accordingly, the system can support a broad family of products without the need to write and/or update custom code in association with each product. Instead, all that need be provided for the system to support a new or revised product is a new or revised device model for that product. The claimed device model or interchangeable device model and model agent hide the details of devices from other parts of the system and thereby allow a single system to support a wide variety of products.

The Cited Documents

In stark contrast, it is respectfully submitted that the management event notification of the primary citation of the Office action to Hemphill **does not disclose or suggest device models** of the type recited in the claims of the present application. Furthermore, the cited management event notification systems of Hemphill **does not disclose or suggest** a device model agent of the type recited in the claims of the present application. For example, the Office Action draws an analogy between a "management communication layer" of Hemphill and the interchangeable device model recited, for example, in **claim 26**. **However**, there is no indication in Hemphill that the cited management communication layer is anything other than an example of the tightly coupled communication method and system architecture discussed, for example, in paragraph 7 of the present application (as the paragraphs are numbered in the published version of the application 2004/0125403 A1). Furthermore, there is no indication in Hemphill, and importantly the Office does not cite any indication in Hemphill that the management communication layer includes identifications of classes of information that can be communicated to and/or from each of the products of the family of products and mappings indicating how the classes of information can be communicated to and/or from the first product.

With regard to the device model agent recited, for example, in **claim 26**, the Office draws an analogy to the "management agent" discussed, for example, at column 7, lines 23-26, of Hemphill.

However, even if it can be argued that there are some similarities between the functions of the management agent of Hemphill and the device model agent of the present application, it is respectfully submitted that Hemphill **does not disclose or suggest** that the management agent of Hemphill is operative to read an interchangeable device model and access information according to that device model as is recited in **claim 26**.

The Claims Are Not Obvious

Claims 26-30 and 32-43 (44?) were rejected under 35 USC §102(b) as allegedly being anticipated by Hemphill.

However, to anticipate a claim, the reference must teach every element of the claim. Furthermore, the elements must be arranged as required by the claim (MPEP §2131).

It is respectfully submitted that contrary to the assertions of the Office Action, Hemphill **does not teach** every element of the claims arranged as required by the claims.

Additionally, it is respectfully submitted that the Office appears to be impermissibly distilling the invention down to a "gist" contrary to MPEP §2141.02(II) in a manner that overlooks and ignores aspects of the claimed systems and methods.

For example, with regard to the interchangeable device model recited in **claim 26**, the Office Action cites column 7, lines 26-35, of Hemphill and draws an analogy between the management communication layer of Hemphill and the recited interchangeable device model. The Office Action asserts that the management communication layer of Hemphill is said to be responsible for understanding a management protocol and calls the instrument code to acquire data or to perform management control operations. **However**, the Office Action does not address the particulars recited in the claim. In this regard, it is respectfully submitted that the Office is **impermissibly distilling** the invention down to a "**gist**" contrary to MPEP

§2141.02(II). For instance, the cited portion **does not disclose or suggest** that the management communication layer for a first product is selected from a family of device models or even a family of management communication layers wherein each member of the family of device models (or management communication layers) includes at least identifications of classes of information that can be communicated to or from each of the products of the family of products **and mappings** indicating how the classes of information can be communicated to and/or from the first product. It is respectfully submitted that the Office Action does not address these particulars because Hemphill **does not disclose or suggest** these particulars.

With regard to the at least one respective device model agent recited in **claim 26**, the Office Action cites column 7, lines 23-26, of Hemphill and draws an analogy between the device model agent of **claim 26** and the management agent discussed in Hemphill. The Office Action asserts that the management agents detect a plurality of management events. The Office Action asserts that the management device includes the management communication layer. The Office Action cites column 1, lines 58-60, and asserts that management events are responded to with proper actions. **However**, the cited portion indicates that in one embodiment, the management **server** includes an event processor or processor logic that executes the code to perform the desired actions in response to the particular management event. It is respectfully submitted that cited column 1, lines 58-60, is **unrelated to a device model agent or even the management agent of Hemphill**. The Office Action also cites column 7, lines 28-34 and asserts that it is disclosed that the management communication layer is responsible for understanding management protocol.

However, none of the citations or assertions of the Office Action address the recitation in **claim 26** indicating that the at least one device model agent is operative to read the interchangeable device model. It is respectfully submitted that Hemphill **does not disclose or suggest** that a management agent "reads" the management communication layer. It is respectfully submitted that such language would be foreign to the communication layer/management agent architecture of Hemphill. It is respectfully submitted that the device model of the present application is not fairly construed as a communications layer and the management communication layer of Hemphill is not

fairly read as being or including an interchangeable device model. Since the management communication layer of Hemphill is not a model, the management agent of Hemphill is not operative to read the management communication layer.

For at least the foregoing reasons, **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

Additionally, **claim 26** recites that the at least one respective device model agent is operative to access information in the at least one respective unit and to provide information to the at least one respective unit **according to the interchangeable device model**. It is respectfully submitted that while the cited portion indicates that the management agents are implemented to detect any one or more of a plurality of management events that may occur on the managed device, the cited portion **does not disclose or suggest** that this detection is done "according to the interchangeable device model" or "according to the management communication layer" that the Office finds analogous to the recited interchangeable device model.

Indeed, as clearly explained in cited column 7, lines 26-35, it is the management communication layer of Hemphill that acquires data and cited column 7, lines 23-26, **do not disclose or suggest** that the management agent reads a device model and accesses information or provides information to the respective unit according to that model.

For at least the foregoing additional reasons, it is respectfully submitted that **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

In apparent reference to the recitation of the device model agent in **claim 26** indicating the device model agent is operative to communicate with at least one other element of the system regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message and service request information, the Office Action cites various portions of Hemphill and indicates that various activities occur.

However, the cited portions do not indicate that the management agent communicates with at least one other system element regarding, for example, the

referenced software updates. Further in this regard, it is respectfully submitted that Fig. 2 implies that the management agents 205 communicate only with an event notification module 2024 included in the same system element (managed device 202) as the management agents 205. Accordingly, it is respectfully submitted it does not appear that the management agents of Hemphill are operative to communicate with at least one other element of the system regarding the at least one unit over at least one communications link according to terms, parameters, structures or protocols that are common to the products of the family of products regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message and service request information as is recited in **claim 26**.

For at least the foregoing additional reasons, **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

With regard to the services host recited in **claim 26**, the Office Action cites column 7, lines 62-65, and column 6, lines 5-7, of Hemphill and asserts that the management server of Hemphill is the services host recited in **claim 26**.

However, the four lines cited from column 7 indicate that the management server includes a server interface that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol. The cited portion of column 7 **does not indicate** that the management server is operative to exchange information with the at least one respective device model agent or even the management agent that the Office asserts is analogous to the device model agent recited in **claim 26**. The three lines cited from column 6 indicate that another action category is software updates, which are actions that notify the user whenever a new software update to software on their network becomes available on a corresponding website. The cited portion **does not indicate** that the management server of Hemphill is operative to exchange information with the at least one respective management agent of Hemphill that the Office find analogous to the recited device model agent from **claim 26**. Again, it is respectfully submitted that the Office Action appears to be impermissibly distilling the invention down to a "gist" **contrary to MPEP §2141.02(II)** in a manner that

overlooks and ignores recitation in the claims. Further in this regard, it is respectfully submitted that only information gleaned from the present application would cause one to misinterpret Hemphill in this way. Accordingly, it is respectfully submitted that the rejection of **claims 26-30** and **32-43** are based on impermissible hindsight reasoning.

For at least the foregoing additional reasons, **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

With regard to the recitation in **claim 27** of a second interchangeable device model, the Office Action cites column 7, lines 26-35, without explanation.

However, the cited portion discusses a management agent which may include, for example, instrumentation code and a management communication layer. The cited portion indicates that the management communication layer is responsible for understanding a management protocol, such as any one of the traditional protocols including SNMP, DMI, etc, or any other management protocol including HTTP-based communication as described elsewhere in Hemphill. The cited portion also indicates that the management communication layer calls the instrumentation code to acquire data or to perform management control operations. The cited portion **does not disclose** or suggest a second interchangeable device model for the second product selected from the family of device models wherein the second interchangeable device model includes mappings indicating how the classes of information can be communicated to and/or from the second product. Further in this regard, it is noted that this is the same citation made by the Office Action with regard to the first interchangeable device model. It is respectfully submitted that the cited portion **does not disclose or suggest** that a second management communication layer (if that is indeed what is being cited in regard to **claim 27**) is any different than the management communication layer cited with regard to the device model recited in **claim 26**.

Again, it is respectfully submitted that the Office Action is impermissibly distilling the invention down to a "gist" **contrary to MPEP §2141.02(II)** and is misinterpreting Hemphill based on information gleaned only from the present application. Accordingly, the rejection of **claim 27** is based on impermissible hindsight reasoning.

With regard to the recitation of at least one respective copy of the device model agent, the Office Action cites the same portions of columns 7, 1 and 6 as recited with regard to the at least one respective device model agent recited in **claim 26**.

However, in regard to **claim 27**, the portions are cited without comment. Accordingly, arguments similar to those submitted in support of **claim 26** are submitted in support of **claim 27**. Hemphill **does not disclose** and certainly the cited portions do not disclose at least one respective copy of the device model agent that is operative to read a second interchangeable device model or even a management communication layer that the Office finds analogous to the recited device model. Moreover, the cited portions **do not disclose** a copy of a device model agent operative to provide information to at least one respective unit of a second product according to the second interchangeable device model. Still further, the cited portions do not disclose or suggest a device model agent or even a management agent operative to communicate with a services host regarding the at least one unit as is recited in **claim 27**.

For at least the foregoing additional reasons, **claim 27** is not anticipated by Hemphill.

With regard to **claim 28**, the Office Action cites only column 6, lines 5-7, without comment.

In this regard, it is noted that column 6, lines 5-7, were cited in regard to the device model agent of both **claims 26** and **27**.

However, **claim 28** recites at least one services provider that is operative to exchange information with the services host. It is respectfully submitted that the indication at cited column 6, lines 5-7, that another category is software updates, which are actions that notify the user whenever a new software update to software on their network becomes available on a corresponding website **does not disclose** a services provider that is operative to exchange information with the services host. Clarification of the assertions of the Office Action in this regard are respectfully requested. It is respectfully submitted that the mere indication that the system of Hemphill has a category of actions related to software updates **does not disclose** the particular

architecture recited in claim 28 and the Office is impermissibly distilling the invention down to a "gist".

For at least the foregoing additional reasons, **claim 28** is not anticipated by Hemphill.

With regard to **claim 29**, the Office Action cites column 7, lines 26-35, which was first cited in regard to the interchangeable device model without further comment.

However, **claim 29** recites aspects of the at least one respective device model agent. Accordingly, the citation is not understood and/or the rejections are inconsistent. Clarification of the rejection is respectfully requested. In the event that the Office meant to cite discussion of the management agent of Hemphill, while the Applicants recognize that the model agent is disclosed as being included in a managed device 202, as indicated above, it is respectfully submitted that the management agent of Hemphill is not otherwise analogous to the respective device model agent recited in **claims 29** and **26** for the reasons presented above in regard to **claim 26**. Accordingly, for at least the foregoing reasons, **claim 29** is not anticipated by Hemphill.

With regard to **claim 30**, the Office Action cites column 7, lines 62-66.

However, column 7, lines 62-65, were previously cited in regard to the recitation of a services host server in **claim 26** and **claim 30** recites an application server. Additionally, **the Office Action provides no explanation** as to why column 7, lines 62-66, are being cited in regard to the application server recited in **claim 30**. Accordingly, it is respectfully submitted that no clear issue is being developed between the Examiner and the Applicants with regard to claim 30.

Additionally, the cited portion indicates that the management server includes a server interface that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol, such as IP packets or the like, via the network. It is respectfully submitted that **the cited portion does not disclose or suggest** an application server that is operative to receive application software modules from at least one services provider and make the software application modules available for transmission to and installation in the at least one respective **device model agent** for performing new services in conjunction with the at least one

respective unit. Clarification of the assertions of the Office in this regard are respectfully requested.

For at least the foregoing reasons, the rejection of **claim 30** represents a **clear error** of the Office Action and **claim 30**, as well as **claims 32** and **33**, which depend therefrom, is not anticipated by Hemphill.

With regard to **claim 32**, the Office Action cites column 7, lines 6-22, without comment or explanation.

However, **claim 32** recites that at least one of the respective at least one unit, the services host server and the application server further comprise an application programming interface that is operative to *inter alia*: determine which means of communication are available to the application programming interface, to select one or more communication means from the available communication means for communicating with at least one other system element. It is respectfully submitted that while the cited portion of column 7 indicates that the managed device includes communication logic for sending and receiving information according to any desired format or protocol, the cited portion **does not disclose or suggest** an element that is operative to determine which means of communication are available. Still further, it is respectfully submitted that the cited portion does not disclose or suggest an element that is operative to select one or more communication means from the available communication means. Clarification of the assertions of the Office in this regard are respectfully requested.

For the foregoing reasons, it is respectfully submitted that the rejection of **claim 32** includes **clear errors** and **claim 32** is not anticipated by Hemphill.

With regard to **claim 33**, the Office Action cites column 8, lines 10-15.

However, the cited portion indicates that the event processor logic may be implemented as a web server back end process such as the common Gateway Interface, the Internet Server Application Programming Interface standard, the Netscape server API or any other suitable back end process. Allegedly, as a results, the communication is platform independent. However, it is respectfully submitted that **none of that discloses** the application programming interface of **claim 32** supports

communication via at least HTTP, HTTPS, JMS, email, 10BaseT, 100BaseT, 10Base2, Modem, IEEE 802.11X, and Bluetooth protocols.

In any event, **claim 33** depends from **claim 32** and is not anticipated by Hemphill for at least that reason.

With regard to **claim 34**, the Office Action cites column 7, lines 42-61, of Hemphill.

However, the cited portion discusses acquiring hardware management data. While the cited paragraph indicates that management agents may be implemented as code modules comprising software in a given implementation, the cited paragraph is completely silent with regard to a device model agent (or even a management agent) of Hemphill being further operative to add new service received from an applications server to the device model agent (or even management agent), start a service running and/or stop a service. Clarification of these assertions of the Office in this regard is respectfully requested.

For at least the foregoing additional reasons, **claim 34** is not anticipated by Hemphill. Furthermore, **claim 34** depends from **claim 26** and is not anticipated for at least that reason.

With regard to **claim 35**, the Office Action cites column 3, lines 16-19.

However, while the cited portion indicates that managed elements can include a number of devices, the cited portion does not disclose that a managed element comprises an image processing device as is recited in **claim 35**.

For at least the foregoing additional reasons, **claim 35** is not anticipated by Hemphill.

The bottom of page 10 of the Office Action asserts that claims 36-44 are system claims corresponding to system claims 26-35, respectively, and are rejected under the same reasons. Accordingly, to the extent that this assertion is accurate, arguments similar to those submitted in support of **claims 26-35** are submitted in support of **claims 36-44**.

Additionally, it is noted that **claims 36-40** and **42-44** are directed toward a system for remotely supporting a family of document processing products and recite aspects particular thereto. For example, **claim 36** recites a services host server that is

operative to exchange information including at least one of: unit billing meter configuration parameters, billing meter readings, unit document processor consumables supply information, available document processor functions that can be added to the unit, selected document processor functions to be added to the unit, selected document processor functions to be deleted from the capabilities of the unit.

Claim 37 recites aspects particular to a second document processing product.

Claim 38 recites aspects related to the unit document processor consumables status information and the selected document processing functions to be added to the unit.

For at least the foregoing additional reasons, **claims 36-40** and **42-44** are not anticipated by Hemphill.

The Claims Are Not Obvious

Claims 31 and **41** were rejected under 35 USC §103(a) as allegedly being obvious in view of Hemphill and Freed.

Claims 31 and **41** make reference to at least one respective device model agent being at least one of: implemented as a device proxy and implemented in a device proxy within an applications server.

In this regard, the Office Action stipulates that this subject matter is not disclosed by Hemphill and cites lines 2-6 of paragraph 42 of Freed.

However, as has been previously argued and not responded to, while the cited lines include the word --proxy-- and indicate that a secure sockets layer (SSL) device **acts as a proxy for one or more servers** and that a client recognizes the device as the server, the cited portion of Freed **does not disclose or suggest that a device model agent** is either implemented as a device proxy or implemented in a device proxy within an application server, as is recited in **claims 31** and **41**.

For at least the foregoing reasons, **claims 31** and **41** are not anticipated and are not obvious in light of Goldstein and Freed.

Additionally, as has been previously argued and not responded to, the Office **has not met its burden** of presenting a *prima facie* case of obviousness. For example, in an apparent effort to justify the combination, the Office Action asserts that

"one of the ordinary skilled in the art would be motivated to be able to configure a device to act as a proxy or the client can recognize the device as the server."

As best as this can be understood, it is an assertion that one would be motivated to make the suggested combination. However, it does not suggest a reason why someone would be motivated to make this combination. Accordingly, the Office has not met its burden of presenting a *prima facie* case of obviousness, and **claims 31 and 41** are not anticipated and are not obvious in light of Goldstein and Freed.

Still further, it is respectfully submitted that the only motivation for combining subject matter from lines 2-6 of paragraph 42 of Freed with subject matter from Hemphill is information gleaned only from the present application. Accordingly, the rejection of **claims 31 and 41** is based on **impermissible hindsight reasoning** and again, **claims 31 and 41** are not anticipated and are not obvious in light of Goldstein and Freed.

The Office Action Is Not Completely Responsive and the Next Action May Not Be Made Final

Section 707.07(F) of the MPEP asserts that in order to provide a complete application file history and to enhance the clarity of the prosecution history record, an Examiner **must** provide clear explanations **of all actions** taken by the examiner during prosecution of an application. Additionally, the same section asserts that "where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it."

In the present case, the Office Action repeats assertions made with regard to Freed without taking note of the substance of all of Applicants' arguments and without answering the substance of them. For example, the Office Action does not take note of or answer the substance of the Applicants' argument that while cited lines 2-6 of paragraph 42 of Freed include the word --proxy-- and indicate that a secure socket layer device acts as a proxy for one or more servers, that does not disclose or suggest that a device model agent is implemented as a device proxy or implemented in a device proxy within an application server.

For the foregoing reasons, the Applicants have been denied an opportunity to better understand the position of the Office, and **no clear issue has been developed**

between the Examiner and the Applicants. Accordingly, it is respectfully submitted that the next Office Action may not be made final (MPEP §706.07).

Telephone Interview

In the interests of advancing this application to issue the Examiner is invited to telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 26-44 remain in the application. **Claims 32 and 42** have been amended to correct typographical errors. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	19	- 25 =	0
INDEPENDENT CLAIMS	2	- 4 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

Respectfully submitted,

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